



## **Grievance Policy**

**Number: H-2**

**Revision: 1**

**Effective Date:**  
**04-27-2008**

**Pages: 3**

### **1.0 POLICY**

Regular employees subject to this article shall have the opportunity to be heard without fear of reprisal or retaliation, and to be heard fairly and promptly. Grievances that are not received within the time frame allowed shall be dismissed. Regular employees shall have the right to present his/her complaint in accordance with this established policy free from interference, discrimination or reprisal.

### **2.0 DEFINITIONS**

**2.1 Grievance:** A claim or complaint alleging an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance may involve allegations of safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other inequity relating to conditions of employment

**2.2 Types of Grievances:** Aggrieved complaints that can be appealed up to the County Manager's office are:

- A.** Discrimination against any employee on the basis of age, race, color, gender or sexual orientation.
- B.** Acts of retaliation as a result of reporting any acts of violation of County, State or Federal Laws.
- C.** Suspensions, demotions or dismissals for disciplinary reasons.

### **3.0 PROCEDURE/RULE**

**3.1 Formal Appeals Procedure:** When an employee has a grievance, he/she is encouraged to try to resolve it informally with the department and or through the Human Resources Department; however, if informal measures do not resolve the concerns, an

employee may take the following successive steps to resolve the complaint formally through normal channels and departmental procedures:

**A. Step One.** An employee must file a grievance, either orally or in writing, with the immediate supervisor within ten (10) days of the date of the incident, giving rise to the grievance. If the employee alleges harassment by the immediate supervisor, the employee may file the complaint with the Department Director or with the Human Resources Director. If the grievance concerns an appeal of a demotion, suspension or dismissal, it shall be filed directly with the appointing authority at *Step Three*. The immediate supervisor shall meet with the employee within five (5) days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) days following the meeting.

Grievances of employees covered by the State Personnel Commission which alleges discrimination should proceed through the department procedure or proceed directly to the State Personnel Commission. A direct appeal to the State Personnel Commission alleging discrimination must be filed in accordance with G.S. 150b-23 and must be filed within thirty (30) calendar days of receipt of notice of the alleged discriminatory act. A grievance can be filed with the County Manager after the employee follows the above procedure and an outcome is decided.

**B. Step Two.** If the employee is dissatisfied with the response at *Step One*, the employee may file the grievance in writing with the Department Director within five (5) days of receipt of the immediate supervisor's written decision. The grievance shall state concisely the basis for the complaint and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, non-disqualifying disability, or age. The Department Director shall meet with the employee within five (5) days of receipt of the *Step Two* grievance, shall review the decision at *Step One*, and shall make an independent determination on the merits of the grievance. Within ten (10) days of the meeting with the employee, the Department Director shall issue a written decision.

**C. Step Three** *For General County Employees.* If the employee is dissatisfied with the response at *Step Two*, the employee may forward the written grievance to the County Manager within five (5) days of receipt of

the *Step Two* decision. The employee may request a decision from the County Manager directly. The decision of the County Manager is final.

**D. Step Three**

*For Employees Subject to the State Personnel Act.* (Health department employees, Social Services employees and EMS employees are subject to the jurisdiction of the NC State Personnel Act and shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings not later than thirty (30) days after receipt of notice of the appointing authority's decision, provided that the employee has obtained regular status (after 24 months of service) in accordance with the rules and regulations of the State Personnel Commission.) The decisions of the State Personnel Commission shall be binding in appeals of said employees if the commission finds that the employee has been subjected to discrimination, or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

**3.3 Maintenance of Records**

All documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the Human Resources Director. These records will be subject to review by the grievant, the employee's Department Director, the County Manager or the other appointing authority, and the Board of Commissioners.

**3.4 Other Remedies Preserved**

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.

**4.0 APPENDIX/APPENDICES**

None.